

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

8-8-05  
sent via  
Fed Ex

AUG - 5 2005

Dr. Jan Hedberg  
Nuemmener Str. 8  
42653 Solingen, Germany

Dear Dr. Hedberg:

This letter responds to your recent request concerning US Environmental Protection Agency operating requirements for PCB incinerators. The requirements for incineration of PCBs are found in the Federal Regulations at Section 761.70(a) and (b), which are enclosed for your convenience. In summary, the requirements for PCB liquids are as follows. The incinerator must maintain a temperature of  $1200^{\circ}\text{C} \pm 100^{\circ}\text{C}$  and a dwell time of 2 seconds with 3 percent excess oxygen in the stack gas (see Section 761.70(a)(1)). Incinerators burning non-liquid PCBs are also required to have a mass air emission no greater than 0.001g PCB per kg of PCB in the feed or 99.9999 percent destruction and removal efficiency (see Section 761.70(b)(1)). These are the key requirements and standards for PCB incinerators. Additional requirements can also be found in the enclosed regulations.

I hope this information if useful. Please contact Hiroshi Dodohara at (202)-566-0507 or [dodahara.hiroshi@epa.gov](mailto:dodahara.hiroshi@epa.gov) if you have additional technical questions.

Sincerely,

/s/

Tony Baney  
Chief, Fibers and Organics Branch

Enclosure

CONCURRENCES

SYMBOL	7404T						
SURNAME	Baney						
DATE	8/5/05						

**§ 761.70 Incineration.**

This section applies to facilities used to incinerate PCBs required to be incinerated by this part.

(a) *Liquid PCBs.* An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Director, National Programs Chemical Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, National Programs Chemical Division, except for research and development involving less than 500 pounds of PCB material (see §761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (a) (1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

(1) Combustion criteria shall be either of the following:

- (i) Maintenance of the introduced liquids for a 2-second dwell time at 1200 °C ( $\pm 100$  °C) and 3 percent excess oxygen in the stack gas; or
- (ii) Maintenance of the introduced liquids for a 1 1/2 second dwell time at 1600 °C ( $\pm 100$  °C) and 2 percent excess oxygen in the stack gas.

(2) Combustion efficiency shall be at least 99.9 percent computed as follows:

$$\text{Combustion efficiency} = [\text{Cco}_2 / (\text{Cco}_2 + \text{Cco})] 100$$

where

$\text{Cco}_2$  = Concentration of carbon dioxide.

$\text{Cco}$  = Concentration of carbon monoxide.

(3) The rate and quantity of PCBs which are fed to the combustion system shall be measured and recorded at regular intervals of no longer than 15 minutes.

(4) The temperatures of the incineration process shall be continuously measured and recorded. The combustion temperature of the incineration process shall be based on either direct (pyrometer) or indirect (wall thermocouple-pyrometer correlation) temperature readings.

(5) The flow of PCBs to the incinerator shall stop automatically whenever the combustion temperature drops below the temperatures specified in paragraph (a)(1) of this section.

(6) Monitoring of stack emission products shall be conducted:

- (i) When an incinerator is first used for the disposal of PCBs under the provisions of this regulation;
- (ii) When an incinerator is first used for the disposal of PCBs after the incinerator has been modified in a manner which may affect the characteristics of the stack emission products; and
- (iii) At a minimum such monitoring shall be conducted for the following

parameters:

(a) O<sub>2</sub>; (b) CO; (c) CO<sub>2</sub>; (d) Oxides of Nitrogen (NO<sub>x</sub>); (e) Hydrochloric Acid (HCl); (f) Total Chlorinated Organic Content (RCI); (g) PCBs; and (h) Total Particulate Matter.

(7) At a minimum monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCBs:

- (i) O<sub>2</sub>;
- (ii) CO; and
- (iii) CO<sub>2</sub>. The monitoring for O<sub>2</sub> and CO shall be continuous. The monitoring for CO<sub>2</sub> shall be periodic, at a frequency specified by the Regional Administrator or Director, National Programs Chemical Division.

(8) The flow of PCBs to the incinerator shall stop automatically when any one or more of the following conditions occur, unless a contingency plan is submitted by the incinerator owner or operator and approved by the Regional Administrator or Director, National Programs Chemical Division. The contingency plan indicates what alternative measures the incinerator owner or operator would take if any of the following conditions occur:

- (i) Failure of monitoring operations specified in paragraph (a)(7) of this section;
- (ii) Failure of the PCB rate and quantity measuring and recording equipment specified in paragraph (a)(3) of this section; or
- (iii) Excess oxygen falls below the percentage specified in paragraph (a)(1) of this section.

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the appropriate EPA Regional Administrator or the Director, National Programs Chemical Division. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator or the Director, National Programs Chemical Division. (The HCl neutralizing capability of cement kilns is considered to be an alternate method.)

(b) *Nonliquid PCBs.* An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Director, National Programs Chemical Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, National Programs Chemical Division except for research and development involving less than 500 pounds of PCB material (see §761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (b)(1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.

(1) The mass air emissions from the incinerator shall be no greater than 0.001g PCB/kg of

the PCB introduced into the incinerator.

(2) The incinerator shall comply with the provisions of paragraphs (a)(2), (3), (4), (6), (7), (8)(i) and (ii), and (9) of this section.

(c) *Maintenance of data and records.* All data and records required by this section shall be maintained in accordance with §761.180, Records and monitoring.

(d) *Approval of incinerators.* Prior to the incineration of PCBs and PCB Items the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the Director, National Programs Chemical Division. Approval from the Director, National Programs Chemical Division may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) *Application.* The owner or operator shall submit to the Regional Administrator or the Director, National Programs Chemical Division an application which contains:

- (i) The location of the incinerator;
- (ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator;
- (iii) Engineering reports or other information on the anticipated performance of the incinerator;
- (iv) Sampling and monitoring equipment and facilities available;
- (v) Waste volumes expected to be incinerated;
- (vi) Any local, State, or Federal permits or approvals; and
- (vii) Schedules and plans for complying with the approval requirements of this regulation.

(2) *Trial burn.*

(i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Director, National Programs Chemical Division shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Director, National Programs Chemical Division may require the submission of any other information that the Regional Administrator or the Director, National Programs Chemical Division finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraphs (d)(1)(i) through (vii) of this section.

(ii) If the Regional Administrator or the Director, National Programs Chemical Division determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Director, National Programs Chemical Division a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

- (A) Date trial burn is to be conducted;
- (B) Quantity and type of PCBs and PCB Items to be incinerated;
- (C) Parameters to be monitored and location of sampling points;
- (D) Sampling frequency and methods and schedules for sample analyses;  
and
- (E) Name, address, and qualifications of persons who will review analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the trial burn.

(iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or the Director, National Programs Chemical Division will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Director, National Programs Chemical Division will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Director, National Programs Chemical Division may prescribe), the Regional Administrator or the Director, National Programs Chemical Division will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Director, National Programs Chemical Division and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in paragraphs (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Prevention, Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant Administrator for Prevention, Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved.

Note:

The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in §761.70(a) (3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in §761.70.

(4) *Contents of approval.*

(i) Except as provided in paragraph (d)(5) of this section, the Regional Administrator or the Director, National Programs Chemical Division may not approve an incinerator for the disposal of PCBs and PCB Items unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the

Regional Administrator or the Director, National Programs Chemical Division may include in an approval any other requirements that the Regional Administrator or the Director, National Programs Chemical Division finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Director, National Programs Chemical Division that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Director, National Programs Chemical Division may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval.

(6) *Persons approved.* An approval will designate the persons who own and who are authorized to operate the incinerator, and will apply only to such persons, except as provided in paragraph (d)(8) of this section.

(7) *Final approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator or the Director, National Programs Chemical Division. The approval will state all requirements applicable to the approved incinerator.

(8) *Transfer of property.* Any person who owns or operates an approved incinerator must notify EPA at least 30 days before transferring ownership in the incinerator or the property it stands upon, or transferring the right to operate the incinerator. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA incinerator approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new incinerator approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605)

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 48 FR 13185, Mar. 30, 1983; 49 FR 28191, July 10, 1984; 53 FR 12524, Apr. 15, 1988; 58 FR 15809, Mar. 24, 1993; 63 FR 35439, June 29, 1998]



"Dr. Jan Hedberg"  
<jh@ibc-ppp.com>  
07/25/2005 04:14 PM

To Hiroshi Dodahara/DC/USEPA/US@EPA  
cc  
bcc  
Subject PCB Incinerator

History:

 This message has been replied to.

Dear Mr. Dodahara;

As per our telephone conversation, please send an email to the effect of:

"An incinerator to be used for PCB incineration/destruction must, according to US Environmental Protection Agency Code CFR 40, Para. 761.70, meet the following combustion criteria:

A temperature of 1200 DEG C +/- 100 DEG C

A residence time of 2 seconds."

I thank you very much for your informative time on the telephone.

Kind regards,

Jan Hedberg

Dr. Jan Hedberg  
Nuemener Str. 8  
42653 Solingen, Germany  
Phone: +49-212-382-7739  
Fax : +49-212-382-7741  
Mob : +49-163-382-7739



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG - 5 2005

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dr. Jan Hedberg  
Nuemmener Str. 8  
42653 Solingen, Germany

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I hope this information is useful. Please contact Hiroshi Dodohara at (202)-566-0507 or [dodahara.hiroshi@epa.gov](mailto:dodahara.hiroshi@epa.gov) if you have additional technical questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Baney", written over a horizontal line.

Tony Baney  
Chief, Fibers and Organics Branch

Enclosure



**§ 761.70 Incineration.**

This section applies to facilities used to incinerate PCBs required to be incinerated by this part.

(a) *Liquid PCBs.* An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Director, National Programs Chemical Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, National Programs Chemical Division, except for research and development involving less than 500 pounds of PCB material (see §761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (a) (1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

(1) Combustion criteria shall be either of the following:

(i) Maintenance of the introduced liquids for a 2-second dwell time at 1200 °C (±100 °C) and 3 percent excess oxygen in the stack gas; or

(ii) Maintenance of the introduced liquids for a 1 1/2 second dwell time at 1600 °C (±100 °C) and 2 percent excess oxygen in the stack gas.

(2) Combustion efficiency shall be at least 99.9 percent computed as follows:

$$\text{Combustion efficiency} = [\text{Cco}_2 / (\text{Cco}_2 + \text{Cco})] 100$$

where

Cco<sub>2</sub>=Concentration of carbon dioxide.

Cco=Concentration of carbon monoxide.

(3) The rate and quantity of PCBs which are fed to the combustion system shall be measured and recorded at regular intervals of no longer than 15 minutes.

(4) The temperatures of the incineration process shall be continuously measured and recorded. The combustion temperature of the incineration process shall be based on either direct (pyrometer) or indirect (wall thermocouple-pyrometer correlation) temperature readings.

(5) The flow of PCBs to the incinerator shall stop automatically whenever the combustion temperature drops below the temperatures specified in paragraph (a)(1) of this section.

(6) Monitoring of stack emission products shall be conducted:

(i) When an incinerator is first used for the disposal of PCBs under the provisions of this regulation;

(ii) When an incinerator is first used for the disposal of PCBs after the incinerator has been modified in a manner which may affect the characteristics of the stack emission products; and

(iii) At a minimum such monitoring shall be conducted for the following parameters:

(a) O<sub>2</sub>; (b) CO; (c) CO<sub>2</sub>; (d) Oxides of Nitrogen (NO<sub>x</sub>); (e) Hydrochloric Acid (HCl); (f) Total Chlorinated Organic Content (TCOC); (g) PCBs; and (h) Total Particulate Matter.

(7) At a minimum monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCBs:

(i) O<sub>2</sub>;

(ii) CO; and

(iii) CO<sub>2</sub>. The monitoring for O<sub>2</sub> and CO shall be continuous. The monitoring for CO<sub>2</sub> shall be periodic, at a frequency specified by the Regional Administrator or Director, National Programs Chemical Division.

(8) The flow of PCBs to the incinerator shall stop automatically when any one or more of the following conditions occur, unless a contingency plan is submitted by the incinerator owner or operator and approved by the Regional Administrator or Director, National Programs Chemical Division. The contingency plan indicates what alternative measures the incinerator owner or operator would take if any of the following conditions occur:

(i) Failure of monitoring operations specified in paragraph (a)(7) of this section;

(ii) Failure of the PCB rate and quantity measuring and recording equipment specified in paragraph (a)(3) of this section; or

(iii) Excess oxygen falls below the percentage specified in paragraph (a)(1) of this section.

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the appropriate EPA Regional Administrator or the Director, National Programs Chemical Division. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator or the Director, National Programs Chemical Division. (The HCl neutralizing capability of cement kilns is considered to be an alternate method.)

(b) *Nonliquid PCBs.* An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Director, National Programs Chemical Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, National Programs Chemical Division except for research and development involving less than 500 pounds of PCB material (see §761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (b)(1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.

(1) The mass air emissions from the incinerator shall be no greater than 0.001g PCB/kg of the PCB introduced into the incinerator.

(2) The incinerator shall comply with the provisions of paragraphs (a)(2), (3), (4), (6), (7), (8)(i) and (ii), and (9) of this section.

(c) *Maintenance of data and records.* All data and records required by this section shall be maintained in accordance with §761.180, Records and monitoring.

(d) *Approval of incinerators.* Prior to the incineration of PCBs and PCB Items the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the Director, National Programs Chemical Division. Approval from the Director, National Programs Chemical Division may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) *Application.* The owner or operator shall submit to the Regional Administrator or the Director, National Programs Chemical Division an application which contains:

- (i) The location of the incinerator;
- (ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator;
- (iii) Engineering reports or other information on the anticipated performance of the incinerator;
- (iv) Sampling and monitoring equipment and facilities available;
- (v) Waste volumes expected to be incinerated;
- (vi) Any local, State, or Federal permits or approvals; and
- (vii) Schedules and plans for complying with the approval requirements of this regulation.

(2) *Trial burn.*

(i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Director, National Programs Chemical Division shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Director, National Programs Chemical Division may require the submission of any other information that the Regional Administrator or the Director, National Programs Chemical Division finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraphs (d)(1)(i) through (vii) of this section.

(ii) If the Regional Administrator or the Director, National Programs Chemical Division determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Director, National Programs Chemical Division a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

- (A) Date trial burn is to be conducted;
- (B) Quantity and type of PCBs and PCB Items to be incinerated;
- (C) Parameters to be monitored and location of sampling points;

- (D) Sampling frequency and methods and schedules for sample analyses; and
- (E) Name, address, and qualifications of persons who will review analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the trial burn.

(iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or the Director, National Programs Chemical Division will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Director, National Programs Chemical Division will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Director, National Programs Chemical Division may prescribe), the Regional Administrator or the Director, National Programs Chemical Division will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Director, National Programs Chemical Division and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in paragraphs (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Prevention, Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant Administrator for Prevention, Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved.

Note:

The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in §761.70(a) (3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in §761.70.

(4) *Contents of approval.*

(i) Except as provided in paragraph (d)(5) of this section, the Regional Administrator or the Director, National Programs Chemical Division may not approve an incinerator for the disposal of PCBs and PCB Items unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the Regional Administrator or the Director, National Programs Chemical Division may include in an approval any other requirements that the Regional Administrator or the Director, National Programs Chemical Division finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Director, National Programs Chemical Division that operation of the

incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Director, National Programs Chemical Division may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval.

(6) *Persons approved.* An approval will designate the persons who own and who are authorized to operate the incinerator, and will apply only to such persons, except as provided in paragraph (d)(8) of this section.

(7) *Final approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator or the Director, National Programs Chemical Division. The approval will state all requirements applicable to the approved incinerator.

(8) *Transfer of property.* Any person who owns or operates an approved incinerator must notify EPA at least 30 days before transferring ownership in the incinerator or the property it stands upon, or transferring the right to operate the incinerator. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA incinerator approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new incinerator approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605)

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 48 FR 13185, Mar. 30, 1983; 49 FR 28191, July 10, 1984; 53 FR 12524, Apr. 15, 1988; 58 FR 15809, Mar. 24, 1993; 63 FR 35439, June 29, 1998]

# ROUTING SLIP

#	NAME	ACTION	INITIAL	DATE
1	<del>Hiroshi Dodohara</del>	<del>Originator</del>		
2	<del>Dave Hannemann</del>	<del>Concur</del>		
3	Tony Baney	Concur <i>Sign</i>	<i>TB</i>	8/5
4	<del>Maria Dea</del>	<del>Sign</del>		
5	<del>Pat Robinson</del>	<del>Administrative</del>		
6				
7				
8				
9				

## Nature of Item Being Routed

Letter responding to query on PCB incinerator standards.

FROM:

H. Dodohara

DATE

7/28/05

TELE #

566-0507

ROOM #

EPA East 4353QQ